REMARKS/ARGUMENTS

The Office Action mailed October 24, 2003 has been reviewed and carefully considered. Claims 3, 7-9, 12-13, 19, 21, 24, and 37-38 are canceled with claims 3, 7-9, 12, 21 and 24 being canceled by this amendment. Claims 1, 14, 20, 23, 26, 39, and 40 have been amended. Claims 62-78 are added. Claims 1, 2, 4-6, 10-11, 14-18, 20, 22-23, 25-36, and 39-78 are pending in this application, with claims 1, 14, 20, 23, 26, and 40 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed October 24, 2003, claims 1-5, 14-16, and 41-53 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,192,340 (Abecassis) and Musicmatch Jukebox software in view of U.S. Patent No. 6,470,378 (Tracton).

Claims 6-12 and 17 stand rejected under 35 U.S.C. §103 as unpatentable over Abecassis and Musicmatch Jukebox software in view of Tracton and further in view of U.S. Patent No. 6,199,076 (Logan).

Claims 20-25, 36, 40, 54-58, and 61 stand rejected under 35 U.S.C. §103 as unpatentable over Logan in view of Abecassis and Musicmatch Jukebox software and Tracton and further in view of U.S. Patent No. 6,188,398 (Collins-Rector).

Claims 26-35, 39, and 59-60 stand rejected under 35 U.S.C. §103 as being unpatentable over Logan in view of Abecassis and Musicmatch Jukebox software and further in view of Tracton.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and device for generating an individually-targeted broadcast from data

comprising audio and/or video content <u>intermittently</u> downloaded to a device where the content can be automatically organized and formatted into the individually-targeted broadcast (see page 4, lines 2-5 of the specification). During an internet session, a user visits a web site containing content for a virtual broadcast and downloads selected content to the device <u>in any order</u> (p. 4 lines 12-15). The files downloaded to the device are those which meet the user's preferences (p. 9, line 9, to p. 10, line 2). The virtual broadcast device preferably has a high capacity storage device in which the downloaded data is stored (p. 8, lines 5-7). The data is then organized on the virtual broadcast device according to a selected algorithm resident on the virtual broadcast device (p. 4, lines 18-19 and p. 11, lines 14-16).

Accordingly, the present invention discloses a two-step process in which data which meets a user's preferences is first downloaded to a virtual broadcast device in any order. The data includes content and other information (see page 10, lines 3-15). The content includes songs and/or videos. The other information includes introductions to the content, weather information, advertisements, and news. After the step of downloading, the data is organized into a virtual broadcast.

The independent claims 1, 14, 20, 23, 26, and 40 have been amended to clarify that the content includes music or videos and that the additional information includes weather reports, news, song or video introductions, or advertisements. The claims clearly state that <u>both</u> the <u>content</u> (i.e., songs or video) and the <u>additional information</u> (i.e., weather reports, news, song or video introductions, or advertisements) are downloaded and stored in the virtual playback device <u>in any order</u> and that an algorithm in the virtual playback device organized the content and other information into a virtual broadcast.

Abecassis discloses a device and method for integration of music from a personal library with real-time information. According to Abecassis, a media player plays content from a user's personal library, which can be any form including a CD, DVD, or other recorded content (see col. 6, lines 39-46 of Abecassis). While the content is played, the device receives information from an information source and interleaves the information with the playback of the content (col. 2, line 62 to col. 3, line 4 and col. 17, lines 10-49). The interleaving disclosed by Abecassis is not the same as the step of organizing a virtual broadcast as recited in the independent claims. Abecassis discloses that the device plays content and <u>receives information while playing the content</u> (col. 22, lines 33-52). Accordingly, Abecassis fails to teach or suggest that <u>all</u> of the data is received before organizing a virtual broadcast. In contrast, Abecassis teaches that the broadcast is made "on-the-fly" during playback of the content as the information is received from the information source.

The Musicmatch article merely discloses that a user can combine tracks from many different formats to create a playlist. However, this fails to teach or suggest organizing, by an algorithm, a virtual broadcast after receiving <u>all</u> data, i.e., the content and other information, as recited in the present invention.

Tracton also fails to teach or suggest what Abecassis and Musicmatch lack. Tracton discloses dynamic content customization in a client server environment. More specifically, Tracton related to scaling network content according to data-recipient characteristics and does not disclose details regarding organization of a virtual broadcast (see e.g., col. 3, lines 1-6). Accordingly, Tracton fails to teach or suggest "organizing the data on the virtual broadcast device into a particular order for the virtual broadcast according to a selected algorithm provided on the virtual broadcast device after all of the data for the virtual broadcast is downloaded from the Web site, whereby the

virtual broadcast device is disconnectable from the Web site during said step of organizing", as recited in each of the independent claims.

Logan also fails to disclose this limitation. Logan discloses an audio program player including a dynamic program selection controller. Logan discloses that a download compilation file is generated by a server and transmitted to a player 103 (see col. 6, lines 51-53). Accordingly, there is no teaching or suggestion for organizing a virtual broadcast, after downloading the data. Rather, Logan discloses that the server generates the compilation and that the player merely plays what is downloaded (see col. 8, lines 39-53). Although the user may alter the downloaded list, Logan fails to teach or suggest that the player organizes a virtual broadcast from downloaded data after the data has been fully downloaded, as recited in the independent claims.

Collins-Rector also fails to teach or suggest the above limitation. Collins-Rector discloses a method for enabling an interactive video experience using the Internet. According to Collins-Rector, demographically targeted advertisements are delivered at predetermined times while watching a video. Since it is an interactive video experience, Collins-Rector must be connected to the Internet while the content is played. Furthermore, there is no teaching or suggestion for organizing a virtual broadcast after the data is downloaded, as recited in the independent claims.

In view of the above remarks, it is respectfully submitted that independent claims 1, 14, 20, 23, 26, and 40 are allowable over Abecassis, Musicmatch, Tracton, Logan, and Collins-Rector, taken by themselves and in combination.

Dependent claims 2, 4-6, 10-11, 15-18, 22, 25, 27-36, 39, and 41-68, each being dependent on one of independent claims 1, 14, 20, 23, 26, and 40, are allowable for at least the same reasons as independent claims 1, 14, 20, 23, 26, and 40.

Claims 62-68 are added. A corresponding number of claims have been canceled. Support for these new claims is in the specification as follows:

Claim 62, page 9, lines 2-3;

Claim 63, page 11, line 21 - page 12, line 2;

Claim 64, page 12, line 12;

Claim 65, page 12, lines 19-20;

Claim 66, page 13, line 20 - page 14, line 1;

Claim 68, page 14, line 18 - page 15, line 2.

In addition, claims 69-78, drawn to a portable electronic device, are added. Support for these claims is found in the application at page 8, lines 5-7. The disclosure of software means is disclosed, e.g., at page 15, lines 8-11.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no additional fees or charges are currently due. However, if any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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